

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO

IN RE:

MEDSCI DIAGNOSTICS INC.,

Debtor

Chapter 11

Case No.: 10-04961 (ESL)

MEDSCI DIAGNOSTICS, INC.

Debtor-Plaintiff

Adversary Proceeding

Case No.: 10-00094 (ESL)

vs.

STATE INSURANCE FUND  
CORPORATION

Defendant.

**MOTION FOR EXTENSION OF TIME FO FILE RESPONSIVE PLEADING  
TO THE COMPLAINT**

TO THE HONORABLE ENRIQUE S. LAMOUTTE  
UNITED STATES BANKRUPTCY JUDGE:

**COMES NOW** the State Insurance Fund Corporation (the “SIF”), through its undersigned counsel and hereby states and prays as follows:

1. On June 9, 2010, MEDSCI Diagnostics, Inc. filed the Complaint in the instant case. See, Docket No. 1 (the “Complaint”). On that same date, the SIF was served with a copy of the Complaint. Thus, the time period for the SIF to file its responsive pleading to the Complaint expires today.

2. Notwithstanding the above, on July 7, 2010, the SIF filed an *Urgent Motion to Reconsider Ruling on Validity of Contract* (the “Motion for Nullity of Contract” or Docket No. 38).

As stated in the Motion for Nullity of Contract, and in open court during the hearing held on July 7, 2010, through MEDSCI's own Complaint, corporate deposition and the declarations filed of MEDSCI's own witnesses, it is undisputed that the contract at issue is for the provision of medical (radiology) services and that MEDSCI is the party providing said medical (radiology) services. In simpler terms, for the reasons stated in the Motion for Nullity of Contract, the contract at issue herein is null and void.

3. During the hearing held on July 7, 2010, the Court required that -- within the next five (5) calendar days -- the SIF supplement its Motion for Nullity of Contract with evidentiary support as to the medical nature of the radiology services rendered under the contract object of the present case. The SIF's supplemental motion is due by July 12, 2010.

4. The SIF respectfully understands that the arguments set forth in the Motion for Nullity of Contract, along with the supplemental motion to be filed, could plausibly move this Court to declare the contract at issue null and void and, thus, dismiss MEDSCI's Complaint in its entirety.

5. In light of the foregoing, and the fact that this case may be dismissed in its entirety as a result of the Motion for Nullity of Contract, the SIF respectfully requests that this Court grant: (i) an extension of time of 15 days for the SIF to file its responsive pleading (if necessary), to be counted from the date that this Court rule on the Motion for Nullity of Contract; or, in the alternative, (ii) an extension of time of thirty (30) days for the SIF to file its responsive pleading, that is, until August 9, 2010.

**WHEREFORE**, the State Insurance Fund Corporation respectfully requests that this Court grant: (i) an extension of time of 15 days for the SIF to file its responsive pleading (if necessary), to be counted from the date that this Court rule on the Motion for Nullity of Contract; or, in the

alternative, (ii) an extension of time of thirty (30) days for the SIF to file its responsive pleading, that is, until August 9, 2010.

**RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico this 9<sup>th</sup> day of July, 2010.

It is certified that on this same date, a true copy of the foregoing was filed through the Court's CM/ECF system, which will generate a notice to all CM/ECF participants in this case.

**O'NEILL & BORGES**

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